



PRESS RELEASE

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For Immediate Release

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD RELEASES TERRORIST WATCHLIST REPORT

WASHINGTON, DC – The Privacy and Civil Liberties Oversight Board (PCLOB) has released a report detailing its multiyear review of the Terrorist Screening Dataset, commonly referred to as the Terrorist Watchlist and formerly referred to as the Terrorist Screening Database. The report notes that the Watchlist is credited by Congress and the Intelligence Community with facilitating the apprehension and arrest of known or suspected terrorists but also that it is challenging for individuals contesting placement on the Watchlist due to a lack of access to classified information used by the government to place them on the list. The report also identifies ways that the Watchlisting Guidance and redress procedures could be improved to better protect privacy and civil liberties.

As of late August 2024, the Watchlist contained records of approximately 1.1 million individuals, according to the FBI's Terrorist Screening Center (TSC). Fewer than 6,000 of those individuals – roughly half of one percent – were U.S. persons.

The report, which gathered information from the TSC and other agencies including the National Counterterrorism Center, the Department of Homeland Security, U.S. Customs and Border Protection and the Transportation Security Administration, traces the history of the Watchlist, describes current criteria and standards used for placing individuals on the Watchlist, and reviews procedures followed to add and remove individuals.

The report includes seven recommendations to improve privacy and civil liberties and promote transparency.

The seven recommendations are as follows:

- 1) Continue to re-evaluate the sufficient identifying information standard in conjunction with periodic reviews of the Watchlisting Guidance. Monitor and assess with what

frequency, and in what contexts, the new application of descriptive information as a criterion to meet the sufficient identifying information standard (which enables a government screener to determine whether the individual they are screening is a match to a record in the Watchlist): a) permits the listing of individuals who otherwise could not be added to the Watchlist, and b) enables additional verification of individuals' identity during encounters with government personnel.

- 2) To ensure the Terrorist Watchlist information is accurate, thorough, and reliable, the agencies involved in the Watchlist's operation should: a) refine what they consider current information in their interagency watchlisting standards (which can impact watchlist nominations decisions), and b) regularly and periodically review the Watchlist, including retroactively applying any revised standard to each Watchlisted individual.
- 3) Investigate and develop metrics to gauge how effective the codification of mitigating information has been in improving the accuracy, reliability, or credibility of Terrorist Watchlist records, including whether such revised policies have had a beneficial or detrimental effect on national security.
- 4) Prioritize and enhance existing measures for the review and purging of U.S. person records, as appropriate, to ensure that U.S. person information in the Terrorist Watchlist is thorough, accurate, and current.
- 5) Publish annual transparency reports to Congress, oversight bodies, and the public to promote accountability and public understanding of the Terrorist Watchlist, including the redress process.
- 6) Improve the DHS Traveler Redress Inquiry Program redress process for cases related to the Terrorist Watchlist by committing to: a) reasonable timelines for resolving TSA Selectee and TSA No Fly redress applications; b) clearly informing applicants of their ability to hire counsel and evaluating the feasibility of permitting redress applicants to be represented by security-cleared counsel; and c) providing a second level of review to U.S. persons on the Selectee list who are repeatedly sent to secondary screening.
- 7) Improve the DHS Traveler Redress Inquiry Program by strengthening notice requirements for cases involving U.S. persons on the Selectee list who have repeatedly been sent to secondary screening.

Chair Sharon Bradford Franklin and Board Member Edward Felten jointly submitted a separate statement explaining that they joined the Board's report in full but wrote to disagree with Board Member Beth A. Williams's characterization of Recommendation 7 in her separate statement. They described how Recommendation 7 applies to a limited population who could reasonably infer they were on the Watchlist already, and the recommendation "is carefully crafted to improve civil liberties safeguards without unduly increasing national security risks."

Board Member Travis LeBlanc submitted a separate statement explaining that he joined in the report and all the recommendations but noting that he would have "gone further than the Board's

Recommendation 7 to encourage notice and redress measures” for individuals from “qualifying states” under E.O. 14086. Member LeBlanc also emphasized the importance of a redress system that is efficient and accessible to the traveling public.

Board Member Beth A. Williams submitted a separate statement explaining that she joined in the report with the exception of Recommendation 7. Her statement emphasized that a strong, highly-functional redress process is necessary to correct mistakes and misidentifications that might occur. She dissented from Recommendation 7—which would allow suspected terrorists to confirm whether or not they are on the Watchlist—on the grounds that it is both misguided and dangerous. She explained that, because of the many levels of review accorded to this group, the population to whom the Board would give sensitive national security information is among the persons the U.S. government has the most confidence is engaged in or is likely to engage in terrorism.

The Board has also provided a full version of the report to Congress containing information that was not cleared for public release.

For further information, please contact Public and Legislative Affairs Officer Alan Silverleib at info@pclob.gov or pao@pclob.gov.

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The Privacy and Civil Liberties Oversight Board is an independent agency within the Executive Branch established by the Implementing Recommendations of the 9/11 Commission Act of 2007. The Board’s mission is to ensure that the federal government’s efforts to prevent terrorism are balanced with the need to protect privacy and civil liberties. The Board’s current Members are Sharon Bradford Franklin, Chair, Edward W. Felten, Travis LeBlanc, and Beth A. Williams.